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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,941	12/17/2001	Darryl Cynthia Moore	60027.0052US01/BS01208	2593
39262	7590	06/03/2005		
BELLSOUTH CORPORATION			EXAMINER	
P.O. BOX 2903			SMITH, CREIGHTON H	
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/022,941	MOORE ET AL.	
	Examiner	Art Unit	
	Creighton H. Smith	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 APR '05.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,7-33 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) 4,6,34 is/are withdrawn from consideration.
- 5) Claim(s) 37-42 is/are allowed.
- 6) Claim(s) 1-3,7-21,28-33,35 and 36 is/are rejected.
- 7) Claim(s) 22-27 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>21.03.05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 7-9 14, 16-21, 28-33, 35, 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Herrero Garcia et al '491 or Pepe et al '905

Examiner disagrees with applicant's 1st set of arguments that that HG does not disclose (among other steps) the step of converting non-audio, i.e., facsimile or text, into audio. The 1st half of page 3 of the Office action is replete with examples from both HG and Pepe et al of the types of non-audio communications being converted into audio and stored in a VMS. Regarding applicant's arguments towards claim 20, examiner is relying Pepe et al and not HG to show the conversion of facsimiles to voice communication and stored at a VMS. In col. 28, lines 58-67, Pepe et al disclose a PCI server (48) that receives a fax, then in col. 29, lines 55-65, they disclose that "the message is transmitted to the PCI server (48) which converts the text message into speech; and in col. 30, lines 50-55, they disclose directing the call to voice mail.

Herrero Garcia '491, "HG", discloses, col. 1, lines 35-40, a voicemail system (VMS) that will take advantage of automatic call forwarding when there is no answer. HG '491 never specifically discloses applicant's method steps of claim 1. However, this is what is happening in col. 1, lines 35-40, when it is disclosed that a VMS system takes advantage of automatic call forwarding upon no answer. The phone number of the voicemail is the designated forwarding address. The phone call from the calling party to

the called party would be applicant's "receiving the communication." When the called party does not answer, the phone call is automatically forwarded to the VMS, or applicant's central forwarding repository. There, the message from the calling party is stored under the called party's phone number, or applicant's saving the communication. When a party wishes to check their messages they pick up the phone, usually dialing their own phone number, which is now busy since the phone is off-hook and connected to voice mail where the user will enter their PIN to pick up their messages. Official notice is taken that this is how automatic call forwarding and voice mail works. Pepe et al disclose call forwarding to voice mail, col. 30, lines 49-53. HG discloses receiving a PIN from the caller, col. 13, lines 15-32. For claim 5, HG discloses that the communication received can also be non-audio in the form of banking data, col. 19, lines 40-65. HG also discloses that the non-audio communication could be home shopping data, col. 20, lines 15-20. Then, once HG retrieves the non-audio communication they convert it into voice signals, col. 13, lines 1-15. Likewise, Pepe et al do the same thing by converting the text message into speech and playing the message to the waiting caller, col. 29, lines 59-61. Pepe et al also discloses in col. 34, lines 50-65, that email and facsimiles can also be redirected. See Fig. 33 also. Regarding claim 7, Pepe et al disclose in col. 28 facsimile messaging and since Pepe et al has already been shown to incorporate the use of text to speech conversion, then the facsimile message can also be readily converted from text to speech. Concerning claim 8, Pepe et al disclose in col. 35, lines 11-26, that email will be converted from text to speech and sent to a voice mailbox.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-13, 15, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pepe et al. or Herrero Garcia et al

Regarding claim 10, Pepe et al are converting text messages to speech and it would have been obvious to a person having ordinary skill in the art to take the ANI of the calling party that is transmitted between the 1st and 2nd ring tones and convert this number into a person's name through the text to speech conversion unit and give this name to the called party. The motivation for making this modification is that Pepe is already converting email and facsimile messages into speech, and to similarly convert the ANI of the calling party into speech and deliver it the called party would be within the purview of the skilled artisan in the telecommunications art.

Claims 22-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

There is no disclosure in either HG '491 or Pepe et al of converting only the header information of a facsimile into audio and forwarding it the called party when the called party checks his voice mail messages.

Claims 37-42 allowed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Creighton h Smith at telephone number 308-2488.

20 May. '05


Creighton h Smith
Primary Examiner
Art Unit 2645